

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

**IN RE: TESTOSTERONE  
REPLACEMENT THERAPY PRODUCT  
LIABILITY LITIGATION**

**MDL No.: 2545**

**Master Docket Case No. 1:14-cv-01748**

**Hon. Judge Kennelly**

**This document applies to:  
*Charles Marsee v. Auxilium  
Pharmaceuticals, Inc.,  
Case No.: 1:14-CV-1272***

**SUGGESTION OF DEATH UPON THE RECORD AND UNOPPOSED MOTION TO  
SUBSTITUTE PROPER PARTY**

NOW COMES, Counsel for Plaintiff CHARLES MARSEE, KATHLEEN C. CHAVEZ, of FOOTE, MIELKE, CHAVEZ & O'NEIL, LLC, submits the following Suggestion of Death Upon the Record of Plaintiff CHARLES MARSEEE and in so doing, states as follows:

1. On or around March 18, 2019, Counsel for Plaintiff was advised that Mr. Marsee died.
2. Plaintiff Charles Marsee died on or around February 28, 2019.
3. Counsel has not yet been provided with a Certificate of Death.
4. Plaintiff was unmarried at the time of his death.
5. Fed. R. Civ. P. 25(a)(1) provides as follows: If a party dies and the claim is not extinguished, the court may order substitution of the proper party. A motion for substitution may be made by any party or by the decedent's successor or representative. If the motion is not made within 90 days after service of a statement noting the death, the action by or against the decedent must be dismissed.

6. Plaintiff's Counsel has been in contact with Plaintiff's daughter, Norma Marsee, who desires to be substituted as the proper party to proceed on Plaintiff's behalf.

7. Pursuant to Fed. R. Civ. P. 25, Plaintiff's daughter, Norma Marsee, should be substituted as the proper party for the decedent.

WHEREFORE, Plaintiff's Counsel respectfully requests that, in accordance with Fed. R. Civ. P. 25, this honorable Court substitute Plaintiff's daughter, Norma Marsee, as the proper party for the decedent.

Dated: April 10, 2019

Respectfully submitted,

/s/Kathleen C. Chavez

Kathleen C. Chavez, Esq. (#6255735)  
FOOTE, MIELKE, CHAVEZ & O'NEIL, LLC  
10 West State Street  
Suite #200  
Geneva, IL 60134  
Telephone: (630) 232-7450  
Email: [kcc@fmcclaw.com](mailto:kcc@fmcclaw.com)

Patrick Pantazis, Esq.  
WIGGINS, CHILDS, PANTAZIS, FISHER  
& GOLDFARB, LLC  
301 19<sup>th</sup> Street North  
Birmingham, AL 35203  
Tel. No.: (205) 314-0500  
Email: [ppantazis@wigginschilds.com](mailto:ppantazis@wigginschilds.com)

*Attorneys for Plaintiff*

**CERTIFICATE OF SERVICE**

I hereby certify that on April 10, 2019, I electronically filed the foregoing document with the clerk of court for the U. S. District Court for the Northern District of Illinois – Eastern Division, using the electronic case filing system of the court. The electronic case filing system sent a “Notice of Electronic Filing” to the attorneys of record who have consented in writing to accept this Notice as service of this document by electronic means.

/s/Kathleen C. Chavez  
Kathleen C. Chavez